

REMARKS

Claims 1-113 are pending in the present application. With entry of this Amendment, Applicants cancel claims 43, 44, and 102 without prejudice. Reexamination and reconsideration of the claims are respectfully requested.

The Examiner rejected claims 1-113 under 35 U.S.C. § 103(a) as being unpatentable over James (US 6,069,310) in view of Lin et al. (US 6,366,791).

The present invention relates generally to connecting an electronic musical instrument to a public communications network. In one embodiment, the electronic musical instrument 1 of Fig. 1 transfers music information to a destination electronic musical instrument 7 or database server 6 via a portable telephone terminal 3. Fig. 1 also illustrates that a portable telephone terminal 8 can be used to remotely control the destination electronic musical instrument 7.

In contrast, James merely discloses a method for using personal computers for transmitting a musical performance over the Internet to player pianos. In Fig. 1, the performance of the originating piano is converted to a MIDI file and stored in computer 100. The computer 100 then sends the MIDI data over the Internet. Computer 110 receives the MIDI file from the Internet, stores it and then transmits the file to player piano 40. As the Examiner has acknowledged, James does not disclose or suggest the use of mobile terminal sets.

The Examiner noted that James discloses that the computer 100 can have a wireless link to the network (Col. 5, line 36). However, whether the computer 100 connects to the Internet via a land-line or via a wireless line is irrelevant. What is relevant is that a computer – which is a typical workstation or personal computer according to James (Col. 4, lines 27-29) – is a contributing link in the transmission of data over the Internet. In contrast, the present invention does not have any such link in the communication path. As Fig. 1 illustrates, the electronic musical instrument 1 is directly connected to the portable telephone terminal 3, and there is no workstation for storing and sending a MIDI file between them.

Nor does Lin make up for the deficiencies of James. Lin merely discloses a method of downloading musical scores to a mobile phone over the Internet. Fig. 2 illustrates a mobile station (MS) 20 for receiving a musical score 55 from the web page 45 stored on web server 40. The MS 20 is connected to a stand-alone computer 21. The computer 21 is only a tool for accessing the web server 40 (see Col. 3, lines 21-65). Lin does not disclose that the computer 21 provides music information to the MS 20 for transmission to the Internet.

Accordingly, Applicants submit that independent claims 1, 7, 13, 19, 25, 31, 37, 39, 55, 61, 67, 69, 71, 77, 83, 85, 87, 93-100 and 105-113 are patentable over James and Lin either alone or in combination. All of the independent claims recite the use of a mobile wireless terminal set to connect an electronic musical instrument with a public communication network. Applicants respectfully submit that claims depending respectively from these independent claims are likewise patentable over the cited references.

Applicants also submit that independent claims 45, 50, 103 and 104 are patentable over James and Lin either alone or in combination. None of these references even suggest remote operations, and indeed the Examiner's office action does not address the recited features of these claims. Applicants also submit that the claims depending respectively from these claims are also patentable over the cited references.

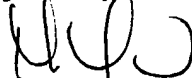
Independent claim 41 is directed to a mobile wireless terminal set that transmits music information to a public communications network for remote generation of music tones. Lin only discloses *downloading* musical scores from the web server 40 to the MS 20. It does not disclose *transmitting* music tones from the MS 20 to the web server 40. James does not even disclose a mobile phone. Accordingly, Applicants submit that claim 41 and its dependent claims are patentable over James and Lin either alone or in combination.

If view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-42, 45-101 and 103-111 of the present application are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020500.

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Respectfully submitted,

By 

Mehran Arjomand

Registration No. 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5630

Attorneys for Applicants